

02-14-05

3731

JFV



Docket No. 4303-4003US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory Pinchasik et al.

Group Art Unit: 3731

Serial No.: 09/516,753

Examiner: Vy Q. Bui

Filed: March 1, 2000

For: LONGITUDINALLY FLEXIBLE STENT

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: **EV 460 049 815US**

Date of Deposit: **February 11, 2005**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

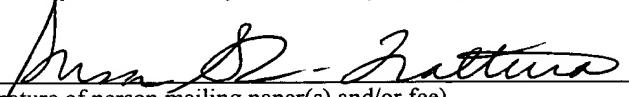
I hereby certify that the following attached paper(s) and/or fee

1. Second Communication Concerning Restriction Requirement;
2. Copy of Paper Number 6;
3. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Susan Shen-Frattura

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

PATENT

FEB 11 2005
PATENT & TRADEMARK OFFICE
U.S. PATENT AND TRADEMARK OFFICE
USPTO

Doc. No. 4303-4003US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/516,753

Applicants : Gregory Pinchasik et. al.

Filed : March 1, 2000

Title : LONGITUDINALLY FLEXIBLE STENT

Art Unit : 3731

Examiner : Vy Q Bui

Docket No. : 4303-4003US1

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND COMMUNICATION CONCERNING RESTRICTION REQUIREMENT

Sir:

As a follow-up to our first communication filed November 2, 2004 in response to the restriction requirement of August 11, 2004 requiring an election of species, the Examiner contacted the Applicants' representative signified below to state that the election requirement was sent in error because an election was made in paper number 6 filed on June 11, 2001.

It is respectfully requested that the Examiner withdraw the current election requirement that duplicates the restriction/election requirement previously answered in the above filing.

As a courtesy to the Examiner, enclosed is a copy of paper number 6, indicating that the Applicants elect the species of Fig. 5 and claims 1-6, 9-11, 20-25, 28-33, 35, 95-102, 104-105, 108-111, 113-114, 116-119, 122 and 125. Claims 12-19, 51-66, 106 and 107 have been withdrawn. Claims 7-8, 26-27, 34, 36-50, 67-94, 103, 112, 115, 120-121, 123-124, and 126-129 have been canceled without prejudice.

CONCLUSION

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Favorable consideration is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4003US1. If a petition for extension of time is required or if there are any additional petitions required with additional fees, the petitions are hereby made and requested and payment authorized by the above Deposit account.

A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: February 11, 2005

By: Keith J. McWha
Keith J. McWha
Registration No. 44, 235

Correspondence Address

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (facsimile)



2390/49701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Jacob Richter and Gregory Pinchasik,

SERIAL NO. : 09/516,753

FILING DATE : March 1, 2000

TITLE : LONGITUDINALLY FLEXIBLE STENT

EXAMINER : Vy Bui

GROUP ART UNIT : 3738

HON. ASSISTANT COMMISSIONER
FOR PATENTS
Washington, D.C. 20231

RECEIVED

JUN 11 2001

TECHNOLOGY CENTER 3700

ELECTION OF SPECIES AND PRELIMINARY AMENDMENT

SIR:

In response to the telephonic requirement for the election of species, Applicants elect the species of Figure 5. The claims which read on this species are 1-11, 20-50, 67-92, 95-105, and 108-119. Of these, claim 21 is generic. Claims 1, 2, 9, 11, 20, 22-33, 35-44, 67-92, 95-105, and 108-119 are sub-generic claims reading on the species of Figs. 3, 5, and 11. Claims 3-6, 10, and 49 are generic to the species of Figs. 3 and 5. Claims 45 and 47 are generic to Figs. 5 and 11. Should any of these generic or sub-generic claims be allowed, it is noted that the Applicants are entitled to a reasonable number of species.

In addition, kindly amend the claims by adding the following new claims of which all but 106 and 107 read on the elected species:

C12
116. A stent according to claim 108, wherein the first circumferential bands have loops forming two cycles per period.

117. A stent according to claim 108, wherein the second circumferential bands have loops forming three cycles per period.

118. The stent of claim 95 wherein said stent is self-expanding.

119. The stent of claim 95 wherein said stent is balloon expanded.

REMARKS

In response to the Examiner's requirement for election of species, Applicants have elected the species of Fig. 5 and indicated which claims they believe to read on this species. A chart showing which of the species each of the claims reads on is enclosed. Clearly many claims are generic to Figs 3, 5, and 11. Claim 76 has been canceled since it is a duplicate. Claims 93 and 94 are informal and have been canceled. Claims 95-120 have been added. These, except for claims 106 and 107 are directed to the elected species. Thus, claims 1-75, 77-92 and 95-119 remain in this application.

Applicants believe all claims in this application are in condition for allowance. Thus, allowance of the elected claims and claims to the remaining species, which constitute a reasonable number, is respectfully solicited.

The Examiner is requested, after reviewing this response to contact the undersigned to discuss any remaining issues in this application.

The Office is authorized to charge any additional fees or credit any overpayment under 37
C.F.R. § 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,



John C. Altmiller
Registration No. 25,951

Dated: June 11, 2001

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
Telephone (202) 220-4200
Facsimile (202) 220-4201

U.S. Serial No. 09/516,753 Species

Claim	Fig. 3	Fig. 5	Fig. 7	Fig.11
1 x	x			x
2 x	x			x
3 x	x			
4 x	x			
5 x	x			
6 x	x			
7	x			
8	x			
9 x	x			x
10 x	x			
11 x	x			x
12 x				x
13 x				x
14				x
15				x
16				x
17				x
18				x
19				x
20 x	x			x
21 x	x	x		x
22 x	x			x
23 x	x			x
24 x	x			x
25 x	x			x
26 x	x			x
27 x	x			x
28 x	x			x
29 x	x			x
30 x	x			x
31 x	x			x
32 x	x			x
33 x	x			x
34	x			

Claim	Fig. 3	Fig. 5	Fig. 7	Fig. 11
35	x	x		x
36	x	x		x
37	x	x		x
38	x	x		x
39	x	x		x
40	x	x		x
41	x	x		x
42	x	x		x
43	x	x		x
44	x	x		x
45		x		x
46	x	x		x
47		x		x
48	x	x		x
49	x	x		
50	x	x		x
51			x	
52			x	
53			x	
54			x	
55			x	
56			x	
57			x	
58			x	
59			x	
60			x	
61			x	
62			x	
63			x	
64			x	
65			x	
66			x	
67	x	x		x
68	x	x		x
69	x	x		x
70	x	x		x
71	x	x		x
72	x	x		x
73	x	x		x

Claim	Fig. 3	Fig. 5	Fig. 7	Fig.11
74	x	x		x
75	x	x		x
76	x	x		x
77	x	x		x
78	x	x		x
79	x	x		x
80	x	x		x
81	x	x		x
82	x	x		x
83	x	x		x
84	x	x		x
85	x	x		x
86	x	x		x
87	x	x		x
88	x	x		x
89	x	x		x
90	x	x		x
91	x	x		x
92	x	x		x
93				
94				
95	x	x		x
96	x	x		x
97	x	x		x
98	x	x		x
99	x	x		x
100	x	x		x
101	x	x		x
102	x	x		x
103	x	x		x
104	x	x		x
105	x	x		x
106	x			x
107	x			x
108	x	x		x
109	x	x		x
110	x	x		x
111	x	x		x
112	x	x		x

Claim	Fig. 3	Fig. 5	Fig. 7	Fig.11
113	x	x		x
114	x	x		x
115	x	x		x
116	x	x		x
117	x	x		x
118	x	x		x
119	x	x		x